

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

RALPH SPARKS and JUDY SPARKS,

Plaintiffs,

vs.

**STATE FARM FIRE AND CASUALTY
COMPANY and KENNETH MAXWELL,**

Defendants.

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CASE NO. CIV-16-1154-M

JURY DEMANDED

**DEFENDANT STATE FARM FIRE AND CASUALTY COMPANY'S
NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

PLEASE TAKE NOTICE that Defendant, State Farm Fire and Casualty Company ("State Farm"), hereby files its Notice of Removal ("Notice"). In support hereof, State Farm would respectfully show the Court as follows:

BASIS OF REMOVAL

1. On or about March 24, 2016, Plaintiffs (herein so called) filed their Original Petition ("Complaint") in the matter entitled *Ralph Sparks and Judy Sparks v. State Farm Fire and Casualty Company and Kenneth Maxwell*, in the District Court in and for Cleveland County, State of Oklahoma. A copy of the Complaint is attached as Exhibit "1" hereto, incorporated herein, and made a part hereof for all purposes.

2. Summons was issued upon State Farm via the Oklahoma Insurance Department on or about March 24, 2016 but not served until on or about September 16, 2016. Attached hereto as Exhibit “2” is a true and correct copy of the Summons issued to State Farm.

3. As reflected in Plaintiff’s Complaint, the amount in controversy in this case is in excess of \$75,000, thereby allowing State Farm to remove the case. *See* Exhibit 1 at 3.

4. Defendant State Farm was and is a corporation organized in Illinois, with its principal place of business in Bloomington, McLean County, Illinois. Upon information and belief, Plaintiffs are citizens of Cleveland County, Oklahoma. Defendant Kenneth Maxwell (“Maxwell”) is a citizen of the State of Louisiana.

5. This Court has original jurisdiction over the matters made the basis of this lawsuit pursuant to 28 U.S.C. § 1332 in that (1) the Plaintiffs are Oklahoma citizens; (2) Plaintiffs are completely diverse from State Farm and Maxwell and; (3) the requisite amount in controversy has been satisfied on the face of Plaintiffs’ Complaint. Maxwell consents to this removal through the undersigned counsel.

6. Venue is proper because Cleveland County is located within the Western District of Oklahoma. 28 U.S.C. § 1441(a).

7. Since State Farm’s Notice was filed within thirty days after summons was served, this Notice is timely.

8. Additionally, State Farm files contemporaneously herewith all pleadings or other documents on file in the State Court matter, including a copy of the Court’s docket

sheet, attached hereto as Exhibit 3, with the exception of the Plaintiff's Complaint attached hereto as Exhibit 1, and summons issued to State Farm attached hereto as Exhibit 2.

WHEREFORE, PREMISES CONSIDERED, Defendant State Farm Fire and Casualty Company, pursuant to and in conformity with the requirements set forth in 28 U.S.C. § 1446, removes Case No. CJ-2016-338 in the District Court of Cleveland County, State of Oklahoma, *Ralph Sparks and Judy Sparks v. State Farm Fire and Casualty Company and Kenneth Maxwell*, on this the 4th day of October, 2016.

Respectfully submitted,

By /s/Benjamin G. Kemble

David V. Jones, OBA #19611

Benjamin G. Kemble, OBA #21006

21 E. Main St., Suite 101

Oklahoma City, Oklahoma 73104

Telephone: (405) 601-8713

Facsimile: (405) 232-8330

**ATTORNEYS FOR DEFENDANT,
STATE FARM FIRE AND CASUALTY
COMPANY**

OF COUNSEL:

JONES, ANDREWS & ORTIZ, P.C.

CERTIFICATE OF SERVICE

I hereby certify that on this the 4th day of October, 2016, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants and/or in accordance with the Federal Rules of Civil Procedure:

Mr. David W. Little
115 E. California - Bricktown
Miller-Jackson Building, Suite 350
Oklahoma City, OK 73104-2418

/s/Benjamin G. Kemble

Benjamin G. Kemble